

Message Text

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43

ACTION IO-11

INFO OCT-01 EUR-12 ISO-00 DLOS-04 OES-05 L-03 EB-07 DOTE-00

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FM AMCONSUL MONTREAL

TO SECSTATE WASHDC IMMEDIATE 7330

INFO USMISSION USUN NEW YORK

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USUN FOR LOS DEL

E. O. 11652: N/A

TAGS: PORG, EAIR, ICAO

SUBJ: ICAO: 5TH MEETING 87TH SESSION OF COUNCIL, MARCH 15

1. THE PRESIDENT WELCOMED THE NEW REP FROM INDONESIA, MR. MAHMUD, AND ALSO ADVISED THAT THE PAKISTANI AMBASSADOR IN OTTAWA HAS INFORMED ICAO THAT MR. JANJUA, PAKISTANI CONSUL GENERAL IN MONTREAL, WILL SERVE AS ALTERNATE REP ON COUNCIL FOR MR. RAFI UNTIL MR. RAFI RETURNS. (MR. JANJUA WAS NOT PRESENT AT THE MEETING.)
2. THE PRESIDENT REFERRED TO HIS MEMORANDUM OF 12 FEBRUARY AND INFORMED THE COUNCIL THAT FOR THE WEEK OF 5-9 APRIL UNDER REPORTS FROM ANC REFERENCE TO ANNEXES 8 AND 10 SHOULD BE DELETED. ADDITIONALLY, THE PAPER SUBMITTED BY THE REP OF CHINA (CWP 6323) WILL BE CONSIDERED. ADDITIONALLY AN ECAC PAPER ON AVIATION SECURITY WILL BE DISCUSSED.
3. COUNCIL THEN CONSIDERED CWP 6325, REPORTS OF THE PRESIDENT, AND WAS ADVISED THAT ON PAGE 4 THE FOLLOWING CHANGES SHOULD BE MADE:
FIRST ITEM: WARSAW CONVENTION -- UNDER NEW PARTIES SINCE LAST REPORT ADD KUWAIT, MOROCCO, PAPUA NEW GUINEA CHANGING THE

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TOTAL NUMBER OF PARTIES FROM 103 TO 106. FOURTH ITEM: HAGUE

PROTOCOL ADD KUWAIT, CHINA, MOROCCO, PAPUA NEW GUINEA CHANGING
TOTAL NUMBER OF PARTIES FROM 83 TO 87.

4. UNDER ITEM 3 APPOINTMENT OF MEMBERS AND ALTERNATES ON THE
WORKING GROUP ON CONDITIONS OF SERVICE, THE COUNCIL TOOK ACTION
AS INDICATED IN CWP 6324.

5. THE COUNCIL STARTED DISCUSSION ON ITEM 4,
BRIEF FOR THE ICAO OBSERVER AT THE 4TH SESSION OF THE 3RD UN
CONFERENCE ON THE LOS (CWP 6304 AND CORRIGENDUM), BUT DID NOT
COMPLETE CONSIDERATION OF THE ITEM. DURING DISCUSSION IT
BECAME EVIDENT THAT THE REPS FROM BRAZIL, ARGENTINA, INDONESIA,
COLOMBIA, CHINA AND MEXICO WERE NOT IN SUPPORT OF THE SYG'S
PAPER BUT WERE IN FAVOR OF AN ICAO OBSERVER ATTENDING THE CON-
FERENCE. ON THE OTHER HAND THE REPS FROM ITALY, SENEGAL, USSR,
AND JAPAN WERE IN SUPPORT OF THE PAPER. THE REP OF FRANCE
AGREED WITH THE MAIN POINTS OF THE PAPER BUT STATED HE COULD
ACCEPT THE TYPE OF APPROACH USED BY THE SYG THE LAST TIME AN
ICAO OBSERVER WAS SENT TO THE LOS CONFERENCE AND HOPED THAT
THE SYG COULD DRAW FROM THE DISCUSSIONS IN COUNCIL IN FORMULATING
GUIDANCE FOR USE BY THE ICAO OBSERVER. THE REP FROM THE UK
STATED THAT IT WOULD BE DIFFICULT FOR THE COUNCIL TO DECIDE ON A
"PRECISE BRIEF" HOWEVER HE WAS IN AGREEMENT WITH THE WORKING
PAPER'S ANALYSIS AND COULD FIND NO REASON TO DISAGREE WITH THE
POSSIBLE SOLUTIONS CONTAINED IN THE PAPER FOR USE BY AN OBSERVER.
HE FURTHER STATED THAT AN ICAO OBSERVER SHOULD START FROM THE
CHICAGO CONVENTION AND ITS ANNEXES AND SHOULD INTERPRET THESE DOCS
FOR THE LOS DEL AS REQUIRED. ADDITIONALLY IT WOULD BE HELPFUL
IN HIS VIEW IF THE ICAO OBSERVER TO THE LOS CONFERENCE COULD ASSIST
IN IDENTIFYING CHANGES TO PROPOSED TEXTS HELPFUL IN PRE-
SERVING THE REGIME OF INTERNATIONAL CIVIL AVIATION WITHOUT INTER-
FERING WITH LOS AIMS. HE ADVISED THAT SUCH ACTION WOULD NOT COM-
PROMISE THE ICAO COUNCIL BUT WOULD PERMIT THE ICAO OBSERVER TO
INFORM AND ENLIGHTEN THE LOS CONFERENCE. THE ALTERNATE USREP
STATED THAT WE WERE IN FAVOR OF AN ICAO OBSERVER ATTENDING THE
CONFERENCE BUT COULD NOT SUPPORT COUNCIL ACTION IN DETERMINING THE
GUIDANCE TO BE USED BY THE OBSERVER AND POINTED OUT THAT THE DELS
ATTENDING THE LOS CONFERENCE WERE INVOLVED IN A WIDE RANGE OF
COMPLICATED AND MOST DIFFICULT SUBJECTS REQUIRING NEGOTIATION AND
THAT ACTION TAKEN BY COUNCIL SHOULD NOT IN ANY WAY HAMPER THE
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WORK OF THE CONFERENCE.

6. PRESIDENT ADVISED THAT HE WAS WILLING TO ACCEPT THE VIEWS OF
THE MAJORITY OF COUNCIL MEMBERS THAT AN ICAO OBSERVER SHOULD NOT
BE PROVIDED WITH THE PRECISE BRIEF AS SUGGESTED IN THE PAPER
BUT FELT THAT IT WOULD BE HELPFUL IF THE COUNCIL COULD EXPRESS
ITS VIEWS ON THE MATERIAL CONTAINED IN THE WORKING PAPER
PARTICULARLY PARAS 7 AND 8. AFTER ADDITIONAL DISCUSSION THE

DIR OF THE LEGAL BUR WAS INVITED TO EXPLAIN THE REASONS BEHIND THE TEXT PROPOSED IN PARA 8.2. HE EXPLAINED THAT THE LOS INTENT TO CREATE AN EXCLUSIVE ECONOMIC ZONE MAY COMPROMISE THE "HIGH SEAS" CONCEPT AS UNDERSTOOD BY ICAO AND IT WAS HIS HOPE THAT THE LOS CONFERENCE COULD AGREE THAT THE PRESENT RULES REGARDING THE HIGH SEAS COULD BE MADE TO APPLY TO THE EXCLUSIVE ECONOMIC ZONE AND WOULD RECOGNIZE THE REGIME OF INTERNATIONAL CIVIL AVIATION OVER THE HIGH SEAS. THE REP OF THE USSR MADE A FORMAL PROPOSAL THAT THE SYG SHOULD HAVE FLEXIBILITY TO ISSUE GUIDANCE FOR USE BY THE ICAO OBSERVER BASED ON THE MATERIAL CONTAINED IN PARA 7 AND 8.2. THIS PROPOSAL WAS SUPPORTED BY SENEGAL, MOROCCO AND FRANCE. THE REP OF MEXICO REQUESTED STATUTORY MAJORITY. THE VOTE WAS 13 IN FAVOR, 6 (US) OPPOSED WITH FRG, TRINIDAD & TOBAGO, MEXICO AND CHINA ABSTAINING.

7. THE PRESIDENT STOPPED THE DISCUSSION AT THIS POINT DUE TO THE HOUR AND STATED THAT COUNCIL WILL CONTINUE CONSIDERATION OF THE PAPER AT THE NEXT MEETING. FURTHER THAT IF COUNCIL DID NOT AGREE IN PRINCIPLE ON THE GUIDANCE TO BE PROVIDED HE AND THE SYG WOULD DRAFT THE GUIDANCE FOR USE BY THE ICAO OBSERVER.

8. AUSREP FEELS THAT DISCUSSIONS AT THIS POINT ARE RESPONSIVE TO INSTRUCTIONS CONTAINED IN STATE 61762 IN THAT IF DISCUSSIONS AT NEXT MEETING DO NOT CHANGE SITUATION, THE ICAO OBSERVER WILL NOT HAVE GUIDANCE BASED ON ANY DECISION OR "AGREEMENT IN PRINCIPLE" RAISED AS A RESULT OF COUNCIL DISCUSSION. HARPER

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